## TIPPECANOE COUNTY COUNCIL REGULAR MEETING JANUARY 11, 2005

The Tippecanoe County Council Meeting began at 1:00 P.M. followed by the Public Hearing at 2:00 P.M., Tuesday, January 11, 2005 in the Tippecanoe Room in the County Office Building. Council members present were: President Kathy Vernon, Vice President Ronald L. Fruitt, David S. Byers, Jeffrey A. Kemper, Betty J. Michael, Thomas P. Murtaugh, and Kevin L. Underwood. Others present were: Auditor Robert A. Plantenga, Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Vernon called the meeting to order at 1:10 P.M. and welcomed new Councilmembers Underwood and Murtaugh.

#### AUDITOR'S FINANCIAL REPORT: Robert Plantenga

#### 2004

Auditor Plantenga recapped 2004 finances through December 31, 2004.

Cash Balance 1/1/04	823,325.10
Projected Misc Revenue 2004	15,013,738.00
DLGF Projected Property Taxes	14,985,343.00
Total Available	30,822,406.10
2004 Budget	29,172,973.00
Approved 2004 Budget Reductions	233,257.00
Encumbrances 1/7/04	635,396.00
Beginning Net Balance	1,247,294.10
Total Additional Appropriations Granted	1,175,343.00
Miscellaneous Expenditures	34,002.02
Uncommitted Funds 12/31/04	37,949.08

#### Revenue Items of Note

Intergo	overnmental Revenue	YTD Est	YTD Actual		
32-55	Public Defender Commission	0.00	59,842.53		
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Charges for Services					
41-20	County Recorder	500,000.00	483,977.59		
	(11 of 12 installments. Dec. install rec'd Jan. '05)				
41-25	Probation	88,000.00	84,557.00		
	(amount collected to help supplement pay to meet State guidelines.)				
33-10	State Gaming	370,667.00	368,173.32		
	(approximately \$1 million all entities)				

# Taxes

14-40 Alcohol Beverage Excise License

20,000.00 1,314.58

(Auditor will check to determine why actual is so far under the estimate. Historically, the amount has not been steady.) Councilmember Kemper suggested asking the Don Smith, Council's representative on the Alcohol Beverage Commission, to address this issue.

42-20 Sheriff-Inmate House DOC

1,159,250.00

647,714.26

President Vernon asked the Auditor to compile a list of how much the State owes the County.

## Expenditure Line Item Balances by Fund

001	General	1,763,868.73
260	Pre-Trial Diversion	183,349.53
261	Infraction Diversion	25,760.48

Auditor Plantenga said the Prosecutor has not paid the \$25,000 he committed to the General Fund.

302 EDIT Reserve

Jury Pay

2,652,657.23

18,438.65

Excess EDIT Funds set aside, as required, to pay the Courthouse Bonds. Can be used for early pay-off of EDIT Bonds.

310 County Self Insurance -15,345.42
504 CASA JFC Grant 7,000.00
There will be a request to correspond this manage in February

There will be a request to appropriate this money in February.

A reduction of appropriation will occur in February because the appropriation is more than the cash balance.

555 Public Defender User Fee 4,567.16 569 Childrens Psych Res Treat 294,743.01

The source is Property Tax. This new tax rate was set to provide funding for DOC Institutional Care.

 601
 Criminal Justice
 35,511.43

 762
 Tobacco Settlement
 111,641.72

This fund has to be used to reduce tobacco use.

Councilmember Byers asked the Auditor to provide a list of the funds and their uses for the February meeting.

As requested by Councilmember Byers, the Auditor provided a list, by department, of General Fund appropriations, unused balances, encumbered amounts, and net unused budgets.

## 2005

Financial Statement through January 1, 2005

Cash Balance 1/1/05	1,763,868.73
Projected Misc Revenue 2005	14,676,931.00
DLGF Projected Property Taxes	15,758,700.00
Total Available	32,199,499.73
2005 Budget	31,052,078.00
Approved 2005 Budget Reductions	0.00

Encumbrances 1/7/05 703,949.00
Beginning Net Balance 443,472.73
Total Additional Appropriations Granted 0.00
Miscellaneous Expenditures 0.00
Uncommitted Funds 443,472.73

Auditor Plantenga said some may wonder why the beginning cash balance for 2005 is greater than 2004 while the uncommitted amount is lower. He explained that the estimated \$600,000 cash balance was used when determining the 2005 Budget. If the Council had decided the 2005 Budget could not exceed 2005 anticipated revenues, he estimated it would have been necessary to cut an additional \$600,000 from the approved budget. He pointed out that \$400,000 of Cum Bridge interest budgeted for 2004 and \$450,000 of COIT revenues were taken away from 2005 anticipated revenues. Auditor Plantenga pointed out the Council has the option to eliminate \$175,000 in the Rainy Day Fund and \$150,000 in Merit Pay which would increase the uncommitted balance.

#### TREASURER'S INTEREST REPORT: Oneta Tolle

Mrs. Tolle distributed the Interest Report showing the average interest rate for November 2004 was 2.04%.

#### On-Line Payment Discussion

Mrs. Tolle distributed a handout showing that 1,068 payments were made on-line ranging from \$1.00 to \$49,999.99. Due to higher than anticipated fees to the County from credit card companies, we have an outstanding balance of \$13,167.92. She thinks increasing the convenience fee from \$5 to \$25-\$30 might make us self-supporting but she doesn't think taxpayers will use it. In addition, she said the County will still have the \$500 monthly Pay Connexion fee whether there is activity or not. This fee can be cut to \$250 per month if the MITS Department purchases the software and can find time in their schedule to implement the process of verifying the taxpayer and the amount owed.

Councilmember Michael asked Mrs. Tolle for her recommendations:

- Eliminate the use of Visa and American Express. Visa is the most costly and has the most restrictions and American Express has the highest rate.
- Limit the minimum amount of the transaction.
- Combine the minimum dollar amount and only accept Discover and Master Card.
- Eliminate all credit cards and use e-check which takes the payment directly from the taxpayer's account. The fee to the County for e-check would be 50¢ so the convenience fee to the taxpayer could be lowered from \$5 to \$1. She pointed out, the County would still have the \$500 Pay Connexion fee.

President Vernon asked for an estimate of when MITS can get to the project that will lower the fee to \$250. MITS Executive Director Diane Hawkins, who was in the audience, said she should know as early as next week when they can get to it. Mrs. Tolle said she needs a decision by next month so the information can be printed on the tax bills.

Councilmember Kemper suggested limiting the amount paid by credit card to \$5,000 and under and accepting only Master Card and Discover.

President Vernon asked Mrs. Tolle to meet with the Revenue Generating Committee and Bank One representatives with the goal of making a recommendation to the Council at the February 8<sup>th</sup> meeting.

## Lockbox: Bank One Representatives Peter Little and Deb Magnus

Mrs. Tolle said she feels certain the Lockbox service will benefit the County because interest will begin the same day the bank receives the payment. They estimate the net annual benefit to the County for real estate parcels only will be \$29,384.

Councilmember Murtaugh asked how much the set-up cost will be. Mr. Little said there will be no cost to the bank but the County's cost hasn't been calculated. He said programming will be required, the duties of the County and bank will need to be set-out, and the transmittal will have to be in a format the County can read.

Councilmember Michael said she thinks this will save processing time in the Treasurer's Office.

• Councilmember Fruitt moved to confirm the implementation of the Lockbox service in Tippecanoe County, seconded by Councilmember Kemper; motion carried with Councilmember Murtaugh abstaining.

## RECESSED:2:03 P.M. RECONVENED: 2:11 P.M.

President Vernon reconvened the meeting and led the Pledge of Allegiance.

# ELECTION OF OFFICERS: Attorney Dave Luhman

- Councilmember Kemper nominated Kathy Vernon to serve as County Council President, seconded by Councilmember Michael.
- Councilmember Byers moved to close the nominations, seconded by Councilmember Kemper.
- With no further nominations, the nominations were ruled closed and by a voice vote Kathy Vernon was unanimously elected President.
- Councilmember Murtaugh nominated Ron Fruitt to serve as County Council Vice President, seconded by Councilmember Underwood.
- Councilmember Byers moved to close the nominations, seconded by Councilmember Kemper.
- With no further nominations, the nominations were ruled closed and by a voice vote Ron Fruitt was unanimously elected Vice President.

President Vernon thanked the Council for entrusting her as their President for another term.

#### APPROVAL OF MINUTES: 12/14/2005

 Councilmember Byers moved to approve the minutes of the December 14, 2004 Regular Meeting, seconded by Councilmember Kemper; motion carried.

# PROSECUTOR: Jerry Bean

## Additional Appropriation: \$98,256

50,270 Deputy Prosecutor

3,846 Social Security

2,640 Retirement

6.362 Health Insurance

143 Long Term Disability

123 Life Insurance

1,760 Workers Comp

120 Flex

22,545 File Clerk

1,725 Social Security

1,184 Retirement

6,362 Health Insurance

143 Long Term Disability

123 Life Insurance

790 Workers Comp

120 Flex

SALARY ORDINANCEPositionRateSalaryFull timeDeputy Prosecutor2,094.5850,270.00File Clerk939.3822,545.00

Prosecutor Jerry Bean requested the restoration of funding for one (1) Deputy Prosecutor and one (1) File Clerk. He believes there are no real guidelines for the number of Deputy Prosecutors because all offices are run differently. However, the American Prosecutor Research Investigative Body recommends a limit of 150 felony cases per Deputy and 300 misdemeanor cases per Deputy. He said the number of attorneys approved for the Public Defenders' Office was based on the recommendation of 150 and 400 cases respectively for each attorney.

Mr. Bean proposed a scenario if there were no pending cases at the beginning of 2004:

Superior Courts 4, 5, & 6

4,900 misdemeanors filed  $\div$  400 = 12 Dep. Pros.

1,132 D felonies filed  $\div$  150 = 7 Dep. Pros. (incl. 1 supervisor)

By the numbers, there should be 19 Deputy Prosecutors for these three courts but there are only 7. The Deputy Prosecutor he is requesting will increase the total to 8.

Superior Courts 1, 2, & Circuit 1,170 open cases  $\div 150 = 7$  Dep. Pros.

Included in those 7 are Mr. Bean with approximately 30 cases plus administrative duties and John Meyers with approximately 100 cases plus approximately 20 hr/wk on Forensic Diversion.

Additionally, two (2) Deputy Prosecutors work juvenile cases, two (2) work IV-D cases, and two (2) work drug cases to bring the current total number of Prosecutors to twenty (20).

As additional support Mr. Bean noted the following:

- The Prosecutor's Office trains all agencies.
- The Prosecutor's Office issued approximately 125 search warrants in 2004 at an estimated 3 hours each.
- In the past four (4) years, the number of prisoners increased 25%.
- The City of Lafayette has added 30 police officers in the past five (5) years.
- Police reports from Lafayette and Purdue have increased 50%.
- The Prosecutor's Office reviewed 11,000 police reports in 2004 to determine which cases would be filed. (This is an extra duty not required of the Public Defender.)
- Open juvenile cases total 1,200.
- Active IV-D cases total 1,000. (IV-D Commissioner was added in 2004.)

To help with the workload Mr. Bean said they have five (5) volunteers (2 attorneys and 3 non-attorneys), four (4) interns (\$6/hr), and two (2) unpaid education interns. He noted the turnover for the interns is fairly high. Additionally, Deputy Prosecutor John Meyers has moved from Part-time to full time status. Mr. Bean said it is difficult to ask the Deputy Prosecutors to work longer hours because they get no longevity increases, no overtime.

Because this Deputy Prosecutor will work in the courts that have Diversion Infraction fees, Mr. Bean said Councilmember Underwood asked earlier if this individual can generate revenue. While it is possible, he thinks it is unlikely because fee collections are down due to fewer arrests for those types of infractions.

Mr. Bean said he needs the File Clerk to file back court orders, answer phone, and fill in for the Secretaries.

Councilmember Michael said she is sympathetic to the Prosecutor's workload but the Auditor reported that Mr. Bean did not pay the \$25,000 he committed to the General Fund for 2004. Mr. Bean responded he is willing to enter into a contract with the Council but, as in the past, he will ask for something in return.

Councilmember Byers noted that approximately \$40,000 of the Prosecutor's Budget was carried over to 2005 and wondered about the turnover of Deputy Prosecutors. Mr. Bean said the greatest turnover occurs in Superior Courts 4, 5, & 6 but not much is gained because salaries for novices are not much lower than salaries for seasoned Prosecutors. If asked to choose between the Deputy Prosecutor and File Clerk, Mr. Bean said he would choose the Deputy Prosecutor.

Councilmember Michael suggested paying for the positions from Diversion Funds, but Mr. Bean said he is reluctant to pay personnel from those funds due to the uncertainty of the amount of revenue. Additionally, because he pays expert witnesses from Diversion Funds, he is unsure how much will be available because he estimates four (4) of the six (6) pending murder cases (1 possibly death eligible), will go to trial.

Councilmember Michael suggested funding the Deputy Prosecutor position from the Diversion Fund but Auditor Plantenga said they couldn't be done today since both positions were advertised in the General Fund.

President Vernon suggested to Mr. Bean that he investigate using Clerk's employees who may be available to help with filing. She also said she would like Mr. Bean to pay the \$25,000 he promised for 2004.

Councilmember Byers suggested tabling the request until half the position can be advertised in the Diversion Fund and half in the General Fund. Mr. Bean agreed to pay the \$25,000 but said funding positions from Diversion funds is not recommended due to ethical reasons. He pointed out that the \$200,000 balance in the Diversion Funds will be gone if he decides to file the death penalty for 1 murder case.

Auditor Plantenga suggested doing a budget reduction in the Prosecutor's General Fund Budget of \$20,000 for Federal Drug Match, \$15,000 for Witness Fees, and \$5,000 for Transcripts & Records to pay for the Deputy Prosecutor position because these three line items can be paid from Diversion Funds. Since Mr. Bean didn't think he could hire a Deputy Prosecutor before mid March, Mr. Plantenga said the request could be reduced to \$44,000 for Deputy Prosecutor, \$3,366 for Social Security, \$2,310 for Retirement, and \$1,540 for Workers comp. He estimated there is enough surplus in the Employee Benefits Budget at this time to fund the insurance line items.

Note: If this Budget Reduction occurs, the Prosecutor will be paying all operating expenses for his office from Diversion Funds.

- Councilmember Byers moved to approve the appropriation of \$44,000 for Deputy Prosecutor, \$3,366 for Social Security, \$2,310 for Retirement, and \$1,540 for Workers comp contingent on the budget reduction of \$40,000 in the Prosecutor's General Fund Budget in February, seconded by Councilmember Kemper; motion carried.
- Councilmember Byers moved to approve the salary ordinance in the amount of \$44,000 for the Deputy Prosecutor, seconded by Councilmember Kemper; motion carried.

## TIPPECANOE COUNTY LIBRARY: Board Member Van Phillips

Mr. Phillips announced the Library Board will not be requesting Capital Projects' Funding for 2006 or 2007 because they plan to build a branch in the northwestern portion of the County on Lindberg Rd by issuing bonds. They received a gift of land from Merit Realty, John Scheumann, and Derrin Sorenson, located one block west of the corner of Klondike and Lindberg Roads.

## ANIMAL SHELTERING & DISPOSAL AGREEMENT: Humane Society

It was noted that the written amounts did not match the typed number amounts in the Agreement. The monthly amount should be \$3,750 and the annual amount should be \$45,000.

Councilmember Michael moved to approve the Animal Sheltering & Disposal Agreement with the Tippecanoe County Humane Society as corrected, seconded by Councilmember Fruitt; motion carried.

# SHERIFF'S COMPENSATION AGREEMENT IN LIEU OF STATUTORY FEES: Sheriff William "Smokey" Anderson

• Councilmember Kemper moved to approve the Sheriff's Compensation Agreement in Lieu of Statutory Fees for 2005 in the amount of \$99,546, seconded by Councilmember Michael; motion carried.

It was noted this is the same amount as 2004.

# RESOLUTION 2005-03-CL: 2005 County Council Appointments

Resolution 2005-03-CL will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

• Councilmember Byers moved to approve Resolution 2005-03-CL, seconded by Councilmember Underwood; motion carried.

## **PUBLIC COMMENT**

None.

## FYI: Commissioner KD Benson

- The Commissioners appointed Mark Kirby as Emergency Management Director and Mike Haan as Maintenance Department Director
- Commissioner Shedd will be on the Emergency Management Advisory Council and Commissioner Benson will be on the Juvenile Justice Commission.
- Leadership Lafayette class for County Department Heads begins Thursday, January 13<sup>th</sup> at 8:00 A.M. at Ivy Tech.
- A reception will be held for Ron Dye, retiring Parks Superintendent, in the Tippecanoe Room on Friday, January 14<sup>th</sup> from 3:30 P.M. to 4:30 P.M.
- The Department Heads luncheon will be held at noon on Wednesday, February 9<sup>th</sup>.
- HB 1161, if approved, will allow the Auditor to post on the Internet an itemized statement of claims for consideration by the Commissioners. If passed, the County will save approximately \$20,000 in newspaper advertising costs.
- The Hoosier Heartland Corridor decision was announced today.
- The Commissioners are discussing with the City of Lafayette the combining of services such as animal control, permits, ambulances, and purchasing.

# OTHER BUSINESS

Commissioners' Assistant Jennifer Weston distributed a printout of active grants for 2004/2005.

The County Extension Annual Meeting will be held at 6:30 P.M., January 27th at the Extension Office.

Financial Consultant Greg Guerrettaz will meet with the Council and Commissioners from Noon to 1:15 P.M. on Tuesday, February 8<sup>th</sup>. The Council will meet from 1:30 P.M. to 1:55 P.M. at which time Judge Don Johnson will be invited to address the Council regarding Forensic Diversion. The Council will reconvene at 2:00 P.M.

## **ADJOURNMENT**

• Councilmember Fruitt moved to adjourn, seconded by Councilmember Kemper; motion carried.

Robert A. Plantenga, Auditor

TIPPECANOE COUNTY COUNCIL

Kathy Vernon, President

Ronald L. Fruitt, Vice President

/a. //

Robert A. Plantenga, Auditor

Jeffrey A. Kemper

Betty J. Michael

Thomas P. Murtaugh

Kevin I. Underwood